

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

**LABATON SUCHAROW LLP**

March 26, 2013

**VIA ECF**

The Honorable Dennis M. Cavanaugh  
United States District Court  
M.L. King, Jr. Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: *In re Schering-Plough Corporation/ENHANCE Securities Litigation*, No. 08-397  
(DMC) (JAD)

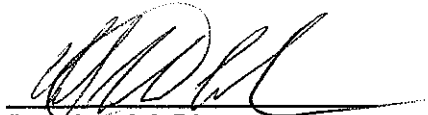
Dear Judge Cavanaugh:

Our letter filed yesterday on behalf of Lead Plaintiffs consenting to the appointment of Messrs. Greenberg and Lerner as Special Masters in the above-captioned action inadvertently omitted certain text. A corrected version of the letter is enclosed. Please accept it as a substitute for the earlier filing. We regret any inconvenience.

Respectfully Submitted,



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*Co-Lead Counsel for the Class*

cc: All Counsel (Via ECF)

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Re: *In re Schering-Plough Corporation/ENHANCE Securities Litigation*, No. 08-397  
(DMC) (JAD)

Dear Judge Cavanaugh:

On behalf of Lead Plaintiffs, Arkansas Teacher Retirement System, Public Employees' Retirement of Mississippi, Louisiana Municipal Police Employees' Retirement System and Massachusetts Pension Reserves Investment Management Board, we hereby consent to the Court's intention to appoint Stephen M. Greenberg and Jonathan J. Lerner as Special Masters pursuant to Federal Rules of Civil Procedure 23(h)(4) and 54(d)(2)(D) to recommend and report to the Court on issues arising from Plaintiffs' Counsels' application for legal fees and expenses.

In addition, Lead Plaintiffs took note of the cases that the Court cited in its Notice of Intent to Appoint Special Masters Pursuant to Federal Rules of Civil Procedure 23(h)(4) and 54(d)(2)(D) and thought that several of their procedures could be useful in this matter as the Court considers its order to appoint a special master. Specifically, in the *UFCW Local 880-Retail Food Employees Joint Pension Fund v. Newmont Mining Corp.* case that the Court cited, the underlying District Court Order<sup>1</sup> stated that all directives issued by the Special Master and any submission by any party to the Special Master shall also be filed with the District Court's CM/ECF system. And while that court found that there should be no *ex parte* communication even with the court, Lead Plaintiffs thought that the court's decision in *In re: TFT-LCD (Flat Panel) Antitrust Litigation*<sup>2</sup> to allow communication freely between the special master and the court made more sense to maintain a fully informed judiciary. As such, Lead Plaintiffs would ask the court to consider an order akin to this:

The Special Masters are authorized to set such time limits and procedures as may be necessary for the filing of motions and other material relevant to the issues

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<sup>1</sup> See *UFCW Local 880-Retail Food Employees Joint Pension Fund v. Newmont Mining Corp.*, 05-cv-01100, 2008 U.S. Dist. LEXIS 1805 (D. Co. Jan. 9, 2008).

<sup>2</sup> See *In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Ca. 2002), Dkt. No. 6500, ¶ 11.

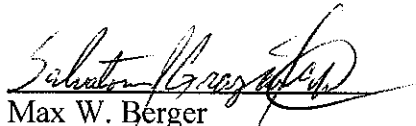
Hon. Dennis M. Cavanaugh

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before them, but all directives issued by them and any submission by any party to them shall also be filed with the District Court's CM/ECF system, which shall provide the public record for this phase of the case. Pursuant to Rule 53(b)(2)(B), the Special Master may communicate *ex parte* with the Court at any time. The Special Master shall not communicate *ex parte* with any party without first providing notice to, and receiving consent from, plaintiffs' Co-Lead Counsel and the Class Representatives.

Respectfully Submitted,



Max W. Berger

Salvatore J. Graziano

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